

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN THE MATTER OF:	)	CASE NO. 20-51930
	)	CHAPTER 7
ZACHARY ROBERT FRIESS	)	JUDGE KOSCHIK
TIFFANY N. FRIESS	)	
	)	
<u>Debtors</u>	)	

**MOTION & NOTICE TO CONVERT TO PROCEEDINGS**  
**UNDER CHAPTER 13 OF TITLE 11**

Now come the Debtors, Zachary Robert Friess I and Tiffany N. Friess, by and through counsel, and pursuant to 11 U.S.C. § 706(a) and Rules 1017, 2002 and 9013 of the Federal Rules of Bankruptcy Procedure, hereby move this Court to convert these proceedings to a proceeding under Chapter 13 of Title 11 of the United States Code (the "Bankruptcy Code").

The Debtors state that pursuant to Section 706(a) of the Bankruptcy Code, the Debtors may convert a case under this chapter to a case under chapter 13 of this Title 11 at any time. The Debtors' case has not been previously converted under 11 U.S.C. §706, 1112, or 1307. Further, upon information and belief, the Debtors are eligible to be debtors under chapter 13 of Title 11.

It is hereby requested that the Court issue an Order converting this case to a Chapter 13 and that the matter proceed under the provisions of Chapter 13 of the Bankruptcy Code; without a hearing pursuant to Local Bankruptcy Rule 9013-1, unless a Response is filed or a hearing is requested within twenty-one (21) days after service of this Motion and for such other further relief as is just and equitable.

Respectfully submitted,

/s/ STEVEN J. HEIMBERGER  
STEVEN J. HEIMBERGER  
Registration No. 0084618  
50 South Main Street, 10<sup>th</sup> Floor  
Akron, Ohio 44308  
(330) 434-3000  
(330) 434-9220 (fax)  
[sheimberger@rlblp.com](mailto:sheimberger@rlblp.com)

**NOTICE OF MOTION FOR CONVERSION FROM A  
CHAPTER 7 TO A CHAPTER 13**

The debtors have filed papers with the court seeking a conversion to a chapter 13, a copy of which is attached.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Parties in interest shall take notice that any party wishing to object to said motion have twenty-one (21) days, or such other time fixed by the Federal Rules of Bankruptcy Procedure or statute or as the Court may order, after service is filed and serve a response or request for hearing. If no response or request for hearing is timely filed with the Court and served upon counsel for the movant, the Court may grant the relief requested in the motion without a hearing.

If you do not want the court to approve the Motion without holding a hearing, or if you want the court to consider your views on the Motion, then on or before **February 5, 2020**, you or your attorney must:

**File with the court a written objection or response to:**

**Clerk, United States Bankruptcy Court  
2 South Main Street  
Akron, OH 44308**

If you mail your Objection to the court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

**You must also mail a copy to:**

**Steven J. Heimberger, Esq.  
50 South Main Street, 10<sup>th</sup> Floor  
Akron, Ohio 44308**

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief without holding a hearing.**

Date: January 15, 2020

Signature: /s/ STEVEN J. HEIMBERGER  
Name: Steven J. Heimberger, Esq.  
Attorney for the Debtors

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of January, 2021, a copy of the foregoing motion and notice was electronically served through the Court's ECF system to the following:

- Patti H. Bass    ecf@bass-associates.com
- Harold A. Corzin    hcorzin@csu-law.com, ccorzin@aol.com; oh32@ecfcbis.com
- Steven Heimberger    sheimberger@rlbllp.com, 1627@notices.nextchapterbk.com
- United States Trustee    (Registered address)@usdoj.gov

And via regular mail to all parties listed on the attached Creditor Matrix.

/s/ STEVEN J. HEIMBERGER  
STEVEN J. HEIMBERGER

MATRIX

AvanteUSA Ltd.  
3600 South Gessner  
Houston, TX 77063-5357

Collins Asset Group LLC.  
Bass & Associates, PC  
3936 E. Fort Lowell Road Suite 200  
Tucson, AZ 85712-1083

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

Capital One  
Po Box 30281  
Salt Lake City, UT 84130-0281

AFS/AmeriFinancial Solutions, LLC.  
Attn: Bankruptcy  
Po Box 65018  
Baltimore, MD 21264-5018

AFS/AmeriFinancial Solutions, LLC.  
Po Box 65018  
Baltimore, MD 21264-5018

Capital One Auto Finance, a division of Capi  
PO Box 60511  
City Of Industry, CA 91716-0511

AvanteUSA Ltd.  
Attn: Bankruptcy  
3600 South Gessner Road Ste 225  
Houston, TX 77063-5357

Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

Citibank/The Home Depot  
Po Box 6497  
Sioux Falls, SD 57117-6497

Capital One Auto Finance  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

Capital One Auto Finance  
Credit Bureau Dispute  
Plano, TX 75025

Comenity/Burlington  
Attn: Bankruptcy  
Po Box 182125  
Columbus, OH 43218-2125

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

Citibank/The Home Depot  
Citicorp Credit Svcs/Cent. Bk dept  
Po Box 790034  
St Louis, MO 63179-0034

Commonwealth Financial Systems  
Attn: Bankruptcy  
245 Main Street  
Dickson City, PA 18519-1641

Collins Asset Group  
5725 Highway 290 West, Suite 103  
Po Box 91059  
Austin, TX 78709-1059

Collins Asset Group  
Po Box 163614  
Austin, TX 78716-3614

(p)FIDELITY NATIONAL COLLECTIONS  
885 S SANBURG AVE SUITE 103  
ALLIANCE OH 44601-5905

Comenity/Burlington  
Po Box 182120  
Columbus, OH 43218-2120

Commonwealth Financial Systems  
245 Main Street  
Scranton, PA 18519-1641

Capital One Auto Finance  
AIS Portfolio Services, PL  
4515 N Santa Fe Avenue Dept. APS Oklahoma  
City, OK 73118-7901

Credit One Bank  
Attn: Bankruptcy Department  
Po Box 98873  
Las Vegas, NV 89193-8873

Credit One Bank  
Po Box 98872  
Las Vegas, NV 89193-8872

(p)FIRST FEDERAL CREDIT CONTROL INC  
24700 CHAGRIN BLVD  
SUITE 205  
BEACHWOOD OH 44122-5662

First PREMIER Bank  
3820 N Louise Ave  
Sioux Falls, SD 57107-0145

First PREMIER Bank  
Attn: Bankruptcy  
Po Box 5524  
Sioux Falls, SD 57117-5524

Fisher-Titus Medical Center  
272 Benedict Avenue  
Norwalk, OH 44857-2374

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

MERRICK BANK  
Resurgent Capital Services  
PO Box 10368  
Greenville, SC 29603-0368

Mercury/FBT  
1415 Warm Springs Rd  
Columbus, GA 31904-8366

Mercury/FBT  
Attn: Bankruptcy  
Po Box 84064  
Columbus, GA 31908-4064

Merrick Bank/CardWorks  
Attn: Bankruptcy  
Po Box 9201  
Old Bethpage, NY 11804-9001

Merrick Bank/CardWorks  
Po Box 9201  
Old Bethpage, NY 11804-9001

Montana Jake LLC  
2197 S. Medina Line Road  
Wadsworth, OH 44281-9300

Paramount Recovery  
7524 Bosque Blvd  
Waco, TX 76712-3772

Paramount Recovery  
Attn: Bankruptcy  
Po Box 23369  
Waco, TX 76702-3369

(p)PHOENIX FINANCIAL SERVICES LLC  
PO BOX 361450  
INDIANAPOLIS IN 46236-1450

Pinnacle Credit Services, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Quantum3 Group LLC as agent for  
CF Medical LLC  
PO Box 788  
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for  
Credit Corp Solutions Inc  
PO Box 788  
Kirkland, WA 98083-0788

(p)RBC  
PO BOX 1548  
MANSFIELD OH 44901-1548

Receivables Management Group  
2901 University Av  
Columbus, GA 31907-7606

Receivables Management Group  
Attn: Bankruptcy  
2901 University Ave. Suite #29  
Columbus, GA 31907-7601

Revenue Group  
3700 Park East Drive  
Beachwood, OH 44122-4305

Revenue Group  
Attn: Bankruptcy  
3711 Chester Ave  
Cleveland, OH 44114-4623

State Collection & Recovery Svc.  
136 North Ridge Street, Suite B  
Monroeville, OH 44847-9469

Syncb/Levin Furniture  
Attn: Bankruptcy  
Po Box 965060  
Orlando, FL 32896-5060

Syncb/Levin Furniture  
C/o Po Box 965036  
Orlando, FL 32896-0001

Syncb/PPC  
Attn: Bankruptcy  
Po Box 965060  
Orlando, FL 32896-5060

Syncb/PPC  
Po Box 965005  
Orlando, FL 32896-5005

Synchrony Bank  
Attn: Bankruptcy Dept  
Po Box 965060  
Orlando, FL 32896-5060

Synchrony Bank  
Attn: Bankruptcy  
Po Box 965060  
Orlando, FL 32896-5060

Synchrony Bank  
C/o Po Box 965036  
Orlando, FL 32896-0001

Synchrony Bank/Care Credit  
Attn: Bankruptcy Dept  
Po Box 965064  
Orlando, FL 32896-5064

Synchrony Bank/Care Credit  
C/o Po Box 965036  
Orlando, FL 32896-0001

Synchrony Bank/Gap  
Attn: Bankruptcy Dept  
Po Box 965060  
Orlando, FL 32896-5060

Synchrony Bank/Gap  
Po Box 965005  
Orlando, FL 32896-5005

Vacationland Fed C U  
2409 E Perkins  
Sandusky, OH 44870-5198